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By eFile

The Honorable Andrew T. Baxter
U.S. Magistrate Judge
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, NY 13261-7396

Re: *CAR-FRESHNER CORPORATION, ET AL. v. AMERICAN COVERS, LLC ET AL.* CIVIL ACTION NO.: 5:17-CV-171 (TJM/ATCB)

Dear Judge Baxter:

We write jointly on behalf of the parties regarding the “Trial Ready Date” in this case and the parties’ deadline for their pretrial submissions.

In the Uniform Pretrial Scheduling Order (“UPTSO”), the Court originally set the trial date as September 4, 2018, and set the Trial Ready Date as August 15, 2018. ECF No. 24 at 3. As the Court is aware, the deadlines for pretrial submissions are measured backwards from the Trial Ready Date. ECF No. 24 at 4-6. Last October, the Court adjourned the trial date in this case to December 17, 2018, and at the same time reset the Trial Ready Date to December 3, 2018. ECF No. 49. Thereafter, on May 25, 2018, the Court entered a Court Text Notice that appears on the Docket between ECF Nos. 78 and 79. In that Court Text Notice, the Court adjourned the December 17, 2018 trial date without new date. As for the Trial Ready Date, the Court stated the following: “This case will be deemed Trial Ready once the motion filing deadline has expired, or a decision on any dispositive motions has been issued.” This has left the parties with some uncertainty as to when their pretrial submissions are due.

Given this uncertainty and the impact that a decision on dispositive motions could have on the parties’ pretrial submissions, the parties have conferred on this issue and have reached a joint proposal. The parties jointly request that the “Trial Ready Date” for this case be set as 60 days after the Court has rendered a decision on any dispositive motions filed by the parties, or should none of the parties file a dispositive motion, 60 days after the deadline for dispositive motions has passed. This would make the parties’ initial pretrial disclosure (i.e., their mandatory disclosures pursuant to Fed. R. Civ. P. 26(a)(3)) due no later than 30 days after expiration of the current dispositive motion deadline (which is November 2, 2018) if no party files a dispositive motion, or 30 days after the Court renders a decision on any dispositive motions filed by the parties. The parties believe this proposal will save the parties’ and the Court’s time and



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resources, and given that there is no trial date currently set, the parties' proposal will not cause any delay.

The parties are available for a call on this matter at your convenience and happy to submit a proposed order at the Court's request.

Sincerely,

A handwritten signature in black ink, appearing to read 'William H. Brewster', enclosed in a thin black rectangular border.

William H. Brewster

Cc: Counsel of record